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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/364,099	07/30/1999	RENATO CARETTA	07040.0041	8940

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EXAMINER

KNABLE, GEOFFREY L

ART UNIT PAPER NUMBER

1733

DATE MAILED: 01/16/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/364,099

Applicant(s)

CARETTA, RENATO

Examiner

Geoffrey L. Knable

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 November 2002.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 43-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 43-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_      6) ☐ Other: \_\_\_\_\_

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 43-60 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In each of the newly amended independent claims, reference is made to the filling body having an axial thickness approximately equal to that of the radially extending coil "over at least a portion of the at least one filling body." This language however has no explicit basis in the original disclosure and it is not seen where the original disclosure can be said to describe a thickness of the filler over "at least a portion" of the filler - note that use of "at least" in this context means that what is being described is that the thickness is the same over a portion *or over all* of the filler whereas there is no indication either explicitly or implicitly that this was described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of this claimed invention, i.e. this is new matter.

Additionally, the new reference in the claims to "*at least one* filling body joined to the annular anchoring insert" is not clearly supported in the original disclosure, at least to the extent that this is read to define that one or more filler bodies could be joined to each anchoring insert (as is implied by the present language) - this is likewise

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considered to therefore be new matter, applicant not pointing to or showing why or how the original disclosure describes this.

3. Claims 43, 59 and 60 are rejected under 35 U.S.C. 103(a) as obvious over Iseki (US 5,419,384) or Alderfer (US 3,826,297) taken in view of Verschoor et al. (US 5,632,836 - newly cited).

Iseki and Alderfer are applied as in the last office action. As to the claimed annular reinforcing structures, it is first noted that beads with fillers are clearly shown/taught in the references. Further, as is well known in this art and exemplified by Verschoor et al. (note col. 1, lines 22-34 and fig. 1), a normal and typical tire bead is annular and further can be formed as a continuous winding of a tape of plural elongated elements on an annular core or mandrel, this providing a bead having "at least one elongated element extending in radially concentric coils" as claimed (the windings or coils of tape clearly share a common center or are "concentric" as they are wound about a common form or mandrel). Further, the wound tape forms what can be termed a radially extending coil layer whose axial thickness is equal to the thickness of the "at least one elongated element" (i.e. the axial thickness of the bead coil is equal to the axial thickness of the tape). Finally, note that the filler would also have an axial thickness equal to the thickness of the radially extending coil layer defined by the wound tape (although tapered, the thickness would be the same at the area where it is joined with the bead coil). It would have been obvious to the ordinary artisan to form the bead/fillers of the primary references in this known and conventional manner, it being noted that the lack of any details of the bead/filler construction in the primary references

would have certainly suggested to the ordinary artisan reading these references that normal and typical tire beads are or should be used.

4. Claims 43-49 and 56-60 are rejected under 35 U.S.C. 103(a) as obvious over Frazier (US 3,240,250) taken in view of Verschoor et al. (US 5,632,836 - newly cited).

Frazier is applied as in the last office action. As to the claimed annular reinforcing structures, it would have been obvious to form beads with fillers using conventional wound/coiled tapes (as for example exemplified by Verschoor et al.), such being considered to satisfy the claimed requirements for the same reasons noted in the preceding rejection paragraph above elaborating on why this typical tire bead satisfies the claimed requirements.

5. Claims 52-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frazier (US 3,240,250) taken in view of Verschoor et al. (US 5,632,836).

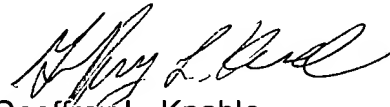
Frazier is applied for the same reasons set forth in the last office action.

6. Applicant's arguments filed 11-4-02 have been fully considered but they are not persuasive as they are essentially moot in view of the new ground of rejection. Further, it is noted that while it may not be applicant's intent to read on conventional beads formed from wound/coiled tapes, the present claims are not considered to define over this for the reasons set forth in detail in the statements of rejection above. The rejections over EP 928,702 and US 6,328,084 have however been withdrawn in light of the amendments to the claims.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 703-308-2062. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael W. Ball can be reached on 703-308-2058. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.



Geoffrey L. Knable  
Primary Examiner  
Art Unit 1733

G. Knable  
January 10, 2003